

Message Text

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SUBJECT: CCD - NUCLEAR-WEAPON-FREE ZONE STUDY, DRAFT CHAPTER THREE

REF: GENEVA 6218

FOLLOWING IS FINAL DRAFT OF CHAPTER THREE (CONCEPT OF NUCLEAR-WEAPON-FREE-ZONES) OF NWFZ STUDY. NO FURTHER CHANGES IN TEXT ARE ANTICIPATED BEFORE CHAPTER IS AGREED AD REFERENDUM.

BEGIN TEXT III. CONCEPT OF NUCLEAR-WEAPON-FREE ZONES

1. OBJECTIVES

1. THE DOMINANT FACTOR IN THE DEVELOPMENT OF INTEREST IN THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES HAS BEEN THE DESIRE TO SECURE THE COMPLETE ABSENCE OF NUCLEAR WEAPONS FROM VARIOUS AREAS OF THE GLOBE, WHERE SUITABLE CONDITIONS EXIST FOR THE CREATION OF SUCH ZONES, TO SPARE THE NATIONS CONCERNED FROM THE THREAT OF

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NUCLEAR ATTACK OR INVOLVEMENT IN NUCLEAR WAR, TO MAKE A POSITIVE

CONTRIBUTION TOWARDS GENERAL AND COMPLETE DISARMAMENT, PARTICULARLY NUCLEAR DISARMAMENT, AND THEREBY TO STRENGTHEN INTERNATIONAL PEACE AND SECURITY. THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES HAS STEMMED FROM THE REALIZATION THAT A NUMBER OF STATES IN VARIOUS REGIONS OF THE WORLD HAVE OR COULD HAVE THE CAPACITY TO DEVELOP A NUCLEAR WEAPON CAPABILITY WITHIN A RELATIVELY SHORT PERIOD, AND THAT IT IS POSSIBLE THAT MORE STATES MAY DECIDE TO DO SO. SHOULD THIS OCCUR IT COULD PRESENT NEW THREATS TO THE SECURITY OF STATES IN AREAS AT PRESENT FREE FROM NUCLEAR WEAPONS; COULD PRECIPITATE A RUINOUSLY EXPENSIVE AND PERILOUS NUCLEAR ARMS RACE IN THOSE AREAS; AND COULD ADD NEW DANGERS OF NUCLEAR WAR TO AN ALREADY DANGEROUS WORLD SITUATION. THERE HAS, FURTHERMORE, BEEN THE DEVELOPMENT OF FEELING THAT THE EFFORTS TO DATE FOR THE PREVENTION OF NUCLEAR WEAPON PROLIFERATION HAVE NOT PROVED TO BE FULLY SUCCESSFUL. THE RAPID INCREASE OF THE USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES, AND ITS POTENTIALITY AS A MATERIAL BASIS FOR THE PROLIFERATION OF NUCLEAR WEAPONS, ADDS A POWERFUL ADDITIONAL FACTOR IN THE MOVEMENT TOWARDS CLOSER EXAMINATION OF NUCLEAR-WEAPON-FREE ZONES.

2. VIEWED ON A BROADER SCALE, THE PURPOSE OF NUCLEAR-WEAPON-FREE ZONES IS TO PROVIDE ADDITIONAL MEANS FOR AVERTING NUCLEAR WEAPON PROLIFERATION AND HALTING THE NUCLEAR ARMS RACE. ANOTHER IMPORTANT BENEFIT COULD BE THE CREATION OF A FRAMEWORK FOR REGIONAL CO-OPERATION IN THE PEACEFUL USES OF NUCLEAR ENERGY. IT IS THUS ARGUED THAT NUCLEAR-WEAPON-FREE ZONES PROVIDE COMPLEMENTARY MACHINERY TO OTHER COLLATERAL MEASURES OF DISARMAMENT AND NON-PROLIFERATION AND THE DEVELOPMENT OF PEACEFUL USES OF NUCLEAR ENERGY. MOST EXPERTS FELT THAT NUCLEAR-WEAPON-FREE ZONES MUST NOT BE REGARDED AS ALTERNATIVES TO THE PRINCIPLE OF THE UNIVERSALITY OF THE NON-PROLIFERATION TREATY, BUT SHOULD BE ENTIRELY CONSISTENT WITH THE OBJECTIVES OF THE TREATY. WHILE THE PRACTICALITY OF THE NUCLEAR-WEAPON-FREE ZONE CONCEPT DEPENDS UPON THE POSSIBILITY OF AGREEMENT BETWEEN THE STATES CONCERNED, IT IS ARGUED THAT THIS CONCEPT COULD PROVIDE A POTENTIALLY USEFUL INSTRUMENT IN THE QUEST FOR INTERNATIONAL PEACE AND SECURITY.

(A) SECURITY OF STATES INCLUDED IN THE ZONE

3. THE PREMISE UPON WHICH ANY NUCLEAR-WEAPON-FREE ZONE MUST BE UNCLASSIFIED

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BASED WILL BE THE CONVICTION OF STATES THAT THEIR VITAL SECURITY INTERESTS WOULD BE ENHANCED AND NOT JEOPARDIZED BY PARTICIPATION. THE PERCEPTION OF NATIONAL SECURITY IS, OBVIOUSLY, A MATTER OF NATIONAL POLICY, AND THESE PERCEPTIONS CHANGE, BUT IT WAS ARGUED BY SEVERAL EXPERTS THAT THE PRESENCE OF NUCLEAR WEAPONS IN A REGION COULD THREATEN THE SECURITY OF STATES IN THAT REGION, NOT EXCLUDING THE POSSESSOR OF THE WEAPONS OR THE COUNTRY IN WHICH THEY ARE DEPLOYED, AND THAT THERE IS, ACCORDINGLY, A CONJUNCTION

OF NATIONAL AND REGIONAL INTERESTS IN REGIONS WHERE THESE WEAPONS DO NOT EXIST IN ENSURING THEIR TOTAL ABSENCE. THE SITUATION IN AREAS WHERE NUCLEAR WEAPONS ARE ALREADY PRESENT WILL BE DIFFERENT, AND WILL RAISE PARTICULAR ISSUES FOR THE SECURITY OF STATES. THESE ISSUES WOULD HAVE TO FORM A MAJOR CONSIDERATION IN ANY PROPOSAL FOR THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE. AS SEVERAL EXPERTS POINTED OUT THERE MAY BE REGIONS IN WHICH NUCLEAR-WEAPON-FREE ZONES ARE IMPRACTICABLE OR WHERE THEIR CREATION MAY NOT IMPROVE THE SECURITY OF THE STATES OF THE AREA.

4. THE DIFFERENCES BETWEEN AREAS IN THEIR ECONOMIC DEVELOPMENT, RELATIONS BETWEEN STATES IN THE POTENTIAL ZONE, GEOGRAPHICAL SITUATION, AND RELATIONSHIPS WITH THE NUCLEAR-WEAPON STATES, MAKE GENERALIZATION HAZARDOUS, BUT THE SUCCESS OF A NUCLEAR-WEAPON-FREE ZONE WOULD DEPEND UPON COMMON AGREEMENT THAT THE DEVELOPMENT AND POSSESSION OF NUCLEAR WEAPONS BY ANY MEMBER WOULD BE PERILOUS TO THE AREA AS A WHOLE. MOST EXPERTS FELT THAT THE NUCLEAR-WEAPON STATES SHOULD CONTRIBUTE TO THE EFFECTIVENESS OF A ZONE BY UNDERTAKING TO RESPECT ITS STATUS IN ALL ASPECTS, AND IN PARTICULAR BY COMMITTING THEMSELVES NOT TO USE, OR THREATEN TO USE, NUCLEAR WEAPONS AGAINST ANY MEMBER OF THE ZONE. THE VIEW WAS ALSO EXPRESSED THAT THESE NEGATIVE ASSURANCES SHOULD BE MATCHED WITH POSITIVE ONES, NAMELY TO TAKE, AT THE REQUEST OF THE ZONE, APPROPRIATE ACTION THROUGH THE SECURITY COUNCIL OR OTHERWISE IN CASE ANY STATE IN THE ZONE IS ATTACKED OR THREATENED WITH NUCLEAR WEAPONS. OTHER EXPERTS EXPRESSED THE VIEW THAT ASSURANCES BY EXTRA-ZONAL STATES COULD CONTRIBUTE TO THE EFFECTIVENESS OF A ZONE, BUT THAT THEIR PROVISION SHOULD BE CONSIDERED ON A CASE-BY-CASE BASIS TO DETERMINE WHETHER THEY WOULD HAVE A FAVOURABLE IMPACT ON THE SECURITY OF THE REGION.

5. MANY EXPERTS CONSIDERED THAT IN REGIONS WHERE THE MOST ACUTE TENSIONS EXIST THE ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES, UNCLASSIFIED

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THOUGH PARTICULARLY DIFFICULT, WOULD BE PARTICULARLY DESIRABLE. THE EXPONENTS OF THIS ARGUMENT CONSIDERED THAT THE CREATION OF AN EFFECTIVE ZONE SHOULD, IN ITSELF, REDUCE SUCH TENSIONS, AND COULD LEAD TO REGIONAL ARMS LIMITATION MEASURES AND CO-OPERATION ON WIDER ISSUES. ON THE OTHER HAND, IT WAS ARGUED BY SOME EXPERTS THAT THE REDUCTION OF TENSION MUST PRECEDE THE CREATION OF A TRULY EFFECTIVE NUCLEAR-WEAPON-FREE ZONE.

6. THE SUGGESTION HAS ALSO BEEN MADE BY SOME EXPERTS THAT EXAMINATION SHOULD BE MADE OF THE POSSIBILITY OF CREATING AD HOC NUCLEAR-WEAPON-FREE ZONES SIMILAR TO DEMILITARIZED ZONES FORESEEN IN THE HUMANITARIAN LAWS OF WAR AND PRIMARILY SERVING A HUMANITARIAN PURPOSE. IT WAS ARGUED THAT SUCH AD-HOC ZONES COULD BE ESTABLISHED BY UNILATERAL DECLARATION BY A STATE OR GROUP OF STATES TO MAKE UP THE ZONE IN TIMES OF SEVERE CRISIS.

OTHER EXPERTS EXPRESSED DOUBTS ABOUT THE FEASIBILITY OF THIS PROPOSAL.

(B) WORLD SECURITY

7. WORLD SECURITY IS INTERRELATED WITH REGIONAL SECURITY. THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE WHEREVER SUITABLE CONDITIONS EXIST COULD MAKE A POSITIVE CONTRIBUTION TO THE ACHIEVEMENT OF THE OBJECTIVES OF NON-PROLIFERATION OF NUCLEAR WEAPONS AND THE CESSATION OF THE NUCLEAR ARMS RACE, AND ACCORDINGLY HAS A POTENTIAL SIGNIFICANCE THAT COULD EXTEND BEYOND THE AREA COVERED BY THE ZONE. THUS, ALTHOUGH THE PRIME PURPOSE OF A NUCLEAR-WEAPON-FREE ZONE IS TO ENHANCE NATIONAL AND REGIONAL SECURITY, IT SHOULD ALSO BE SEEN AS PART OF THE PROCESS OF AVERTING NUCLEAR-WEAPON PROLIFERATION, OF ARRESTING THE NUCLEAR ARMS RACE, AND OF DIMINISHING THE DANGER OF NUCLEAR WAR. THUS, IN THIS PROCESS THE INTERESTS OF ALL STATES ARE INVOLVED.

(C) NON-PROLIFERATION OF NUCLEAR WEAPONS

8. MOST EXPERTS EMPHASIZED THAT THE CONCEPT OF NUCLEAR-WEAPON-FREE ZONES IS NOT TO BE SEEN AS AN ALTERNATIVE TO THE NON-PROLIFERATION TREATY, BUT RATHER AS A POTENTIALLY POWERFUL INSTRUMENT TO SUPPLEMENT THAT TREATY. OTHER EXPERTS, HOWEVER, STATED THAT MEMBERSHIP IN A NUCLEAR-WEAPON-FREE ZONE IS AN INDEPENDENT MEASURE AND INDEED A MORE UNCLASSIFIED

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EFFECTIVE ALTERNATIVE TO ADHERENCE TO THE NPT, SINCE THE RENUNCIATION OF NUCLEAR WEAPONS IN A ZONE WOULD GO BEYOND THE SCOPE OF THE NPT, WHICH - AMONG OTHER THINGS - DOES NOT CONTEMPLATE THE TOTAL ABSENCE OF NUCLEAR WEAPONS. THE POINT WAS MADE BY SEVERAL EXPERTS THAT NUCLEAR-WEAPON-FREE ZONES MAY NOT BE APPROPRIATE IN ALL AREAS, AND THAT STATES MAY CONSIDER THAT THEIR SECURITY INTERESTS ARE BEST SERVED BY OTHER SECURITY ARRANGEMENTS, AND THAT IN THESE CIRCUMSTANCES ADHERENCE TO THE NPT REGIME ASSUMED PARTICULAR IMPORTANCE. THUS, THE INCREASED DANGERS TO WORLD PEACE SHOULD MAKE STATES MORE AWARE OF THE IMPORTANCE OF PREVENTING NUCLEAR WEAPON PROLIFERATION, IF NOT BY JOINING NUCLEAR-WEAPON-FREE ZONES THEN BY SEEKING OTHER REGIONAL OR INTERNATIONAL ARRANGEMENTS THAT WOULD HAVE THE SAME EFFECT.

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DISTO

2. PRINCIPLES FOR THE ESTABLISHMENT OF ZONES: RELEVANCE OF
REGIONAL CONSIDERATION

9. CONDITIONS IN WHICH NUCLEAR-WEAPON-FREE ZONES MIGHT BE VIABLE
AND MIGHT ENHANCE SECURITY ARE BOUND TO DIFFER CONSIDERABLY
FROM REGION TO REGION. THE SECURITY CONSIDERATIONS AND PERCEPTIONS
OF STATES WHICH ARE POTENTIAL MEMBERS MAY VARY AND IT IS NOT
POSSIBLE OR REALISTIC, A PRIORI, TO SET OUT PRECISE GUIDELINES
FOR THE CREATION OF ZONES, SINCE IT IS FOR GOVERNMENTS THEMSELVES
TO DECIDE ON THEIR OWN SECURITY REQUIREMENTS AND TO DETERMINE
THEIR IMMEDIATE AND LONG-TERM NATIONAL INTERESTS. NONETHELESS,
WHEREVER APPROPRIATE CONDITIONS FOR A NUCLEAR-WEAPON-FREE ZONE
EXIST, CERTAIN PRINCIPLES SHOULD BE TAKEN INTO ACCOUNT:
OBLIGATIONS RELATING TO THE ESTABLISHMENT OF NUCLEAR-
WEAPON-FREE ZONES MAY BE ASSUMED NOT ONLY BY GROUPS OF
STATES, INCLUDING ENTIRE CONTINENTS OR LARGE GEOGRAPHICAL
REGIONS, BUT ALSO BY SMALLER GROUPS OF STATES AND EVEN
INDIVIDUAL COUNTRIES;

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NUCLEAR-WEAPON-FREE ZONE ARRANGEMENTS MUST ENSURE THAT
THE ZONE WOULD BE, AND WOULD REMAIN, EFFECTIVELY FREE OF

ALL NUCLEAR WEAPONS, AND ALSO THAT STATES MEMBERS OF THE ZONE DO NOT EXERCISE CONTROL OVER ANY SUCH WEAPONS OUTSIDE THE ZONE;
THE INITIATIVE FOR THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE SHOULD COME FROM THE STATES WITHIN THE REGION CONCERNED, AND PARTICIPATION MUST BE VOLUNTARY;
WHEREVER A ZONE IS INTENDED TO EMBRACE A REGION THE PARTICIPATION OF ALL MILITARILY SIGNIFICANT STATES, AND PREFERABLY ALL STATES, IN THAT REGION WOULD ENHANCE THE EFFECTIVENESS OF THE ZONE;
THE ZONE ARRANGEMENTS MUST CONTAIN AN EFFECTIVE SYSTEM OF VERIFICATION TO ENSURE FULL COMPLIANCE WITH THE AGREED OBLIGATIONS;
THE ARRANGEMENTS SHOULD PROMOTE THE ECONOMIC, SCIENTIFIC, AND TECHNOLOGICAL DEVELOPMENT OF THE MEMBERS OF THE ZONE THROUGH INTERNATIONAL COOPERATION ON ALL PEACEFUL USES OF NUCLEAR ENERGY;
THE TREATY ESTABLISHING A ZONE SHOULD BE OF UNLIMITED DURATION.
MOST EXPERTS NOTED AS AN ESSENTIAL PRINCIPLE THAT ANY ARRANGEMENTS FOR THE ESTABLISHMENT OF A ZONE MUST PROVIDE FOR APPROPRIATE GUARANTEES BY THE NUCLEAR-WEAPON STATES NOT TO USE OR THREATEN TO USE NUCLEAR WEAPONS AGAINST MEMBERS OF THE ZONE. OTHER EXPERTS BELIEVED, HOWEVER, THAT WHILE SUCH UNDERTAKINGS BY THE NUCLEAR-WEAPON STATES COULD CONTRIBUTE TO THE EFFECTIVENESS OF A ZONE, SUCH UNDERTAKINGS SHOULD NOT BE CONSIDERED A PREQUISITE FOR THE ESTABLISHMENT OF A NUCLEAR-WEAPON FREE ZONE, BUT SHOULD INSTEAD BE CONSIDERED ON A CASE-BY-CASE BASIS.
IN THE VIEW OF MOST EXPERTS, AN ESSENTIAL PRINCIPLE IN ANY NUCLEAR-WEAPON-FREE ZONE TREATY IS THE EFFECTIVE PROHIBITION OF THE DEVELOPMENT, ACQUISITION, OR POSSESSION BY PARTIES TO IT OF ANY NUCLEAR EXPLOSIVE DEVICE. THIS PROHIBITION SHOULD, HOWEVER, NOT PRECLUDE ACCESS TO THE POTENTIAL BENEFITS OF PEACEFUL NUCLEAR EXPLOSIONS THROUGH INTERNATIONAL PROCEDURES CONSISTENT WITH ARTICLE V OF THE NON-PROLIFERATION TREATY AS WELL AS WITH OTHER INTERNATIONAL UNDERTAKINGS ENTERED INTO BY THE STATES CONCERNED, IN PARTICULAR THE TREATY ESTABLISHING THE ZONE. A FEW EXPERTS ARGUED TO
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THE CONTRARY AND EXPRESSED THE VIEW THAT DEVELOPMENT BY PARTIES OF NUCLEAR EXPLOSIVE DEVICES INTENDED FOR PEACEFUL PURPOSES WOULD NOT BE INCONSISTENT WITH THE NUCLEAR-WEAPON-FREE ZONE CONCEPT, AND THAT, ACCORDINGLY, TREATIES ESTABLISHING SUCH ZONES SHOULD NOT PROHIBIT THE DEVELOPMENT OF SUCH DEVICES BY THE PARTIES.
MANY EXPERTS NOTED AN ADDITIONAL PRINCIPLE THAT WHEREVER THE FUNCTIONING OF A NUCLEAR-WEAPON-FREE ZONE SO REQUIRES, STATES WHICH ARE NOT MEMBERS OF THE ZONE SHOULD ESTABLISH

A SIMILAR NUCLEAR-WEAPON-FREE STATUS IN TERRITORIES WITHIN THE ZONE WHICH ARE UNDER THEIR JURISDICTION. OTHER EXPERTS FELT, HOWEVER, THAT THIS PRINCIPLE COULD BE APPLIED ONLY TO THOSE TERRITORIES, WHICH BEING UNDER THE JURISDICTION OF EXTRA-ZONAL STATES, ARE WITHIN THE ZONAL BOUNDARIES RECOGNIZED BY THESE STATES.

SOME EXPERTS CONSIDERED IT A BASIC PRINCIPLE THAT THE ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE SHOULD NOT INTERFERE WITH EXISTING SECURITY ARRANGEMENTS TO THE DETERIMENT OF REGIONAL AND INTERNATIONAL SECURITY. THE VIEW WAS ALSO EXPRESSED THAT PARTICIPATION OF STATES SITUATED WITHIN AN INTENDED NUCLEAR-WEAPON-FREE ZONE IN MILITARY ALLIANCES WOULD NOT BE CONDUCTIVE TO THE CREATION OF THE ZONE. STILL OTHER EXPERTS MAINTAINED THAT IF A STATE INCLUDED IN A NUCLEAR-WEAPON-FREE ZONE IS A MEMBER OF A SECURITY ALLIANCE, ITS MEMBERSHIP IN THAT ALLIANCE CANNOT JUSTIFY ANY EXCEPTIONS TO THE OBLIGATIONS DERIVING FROM THE NUCLEAR-WEAPONS-FREE ZONE AGREEMENT.

MANY EXPERTS REGARD ALSO AS A BASIC PRINCIPLE THAT THE BOUNDARIES OF NUCLEAR-WEAPONS-FREE ZONES SHOULD BE DETERMINED IN ACCORDANCE WITH INTERNATIONAL LAW, INCLUDING THE PRINCIPLE OF FREEDOM OF NAVIGATION ON THE HIGH SEAS, IN STRAITS USED FOR INTERNATIONAL SHIPPING, AND IN INTERNATIONAL AIRSPACE.

IN THE VIEW OF MANY EXPERTS ANOTHER PRINCIPLE FOR THE ESTABLISHMENT OF NUCLEAR-WEAPONS-FREE ZONES SHOULD BE THAT STATES ARE EXPECTED TO ENTER INTO UNDERTAKINGS VIS-A-VIS A ZONE, IN PARTICULAR THE NUCLEAR-WEAPON STATES, SHOULD BE GIVEN THE OPPORTUNITY TO PARTICIPATE IN NEGOTIATIONS FOR THE CONCLUSION OF AGREEMENTS OF THE ESTABLISHMENT OF SUCH ZONES.

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3. SECURITY TREATIES AND THE ESTABLISHMENT OF ZONES

10. FOR THOSE STATES THAT ARE PARTIES TO ONE OR MORE SECURITY ALLIANCES AND WHO ARE POTENTIAL PARTIES TO A NUCLEAR-WEAPON-FREE ZONE TREATY, SPECIAL QUESTIONS WILL ARISE, ESPECIALLY IF THEY BELONG TO ALLIANCES WHICH HAVE NUCLEAR WEAPON STATES IN THEIR MEMBERSHIP. IN THESE CASES THERE IS OFTEN AN OBLIGATION, WHETHER EXPLICIT OR IMPLICIT, FOR THE NUCLEAR-WEAPON STATES TO COME TO THE AID OF THEIR ALLIES WITH ALL SUFFICIENT MEANS IF THE LATTER ARE ATTACKED. THIS AID NEED NOT, OF COURSE, INVOLVE NUCLEAR WEAPONS, BUT THE POSSIBILITY EXISTS. MATTERS CAN BE COMPLICATED IN SOME CASES BY THE ISSUE OF DEPLOYMENT, AS MUTUAL ALLIANCE TREATIES OF THIS NATURE CAN-AND SOMETIMES DO-INVOLVE AGREEMENT FOR THE DEPLOYMENT OF NUCLEAR WEAPONS IN THE TERRITORY OF A NON-NUCLEAR-WEAPON ALLY, OR FOR SPECIAL FACILITIES INVOLVING NUCLEAR-WEAPON DELIVERY SYSTEMS.

11. SEVERAL EXPERTS ARGUED THAT A NON-NUCLEAR-WEAPON STATE ALLIED UNCLASSIFIED

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TO A NUCLEAR-WEAPON STATE CAN, UNDER CERTAIN CONDITIONS, ALSO BE A PARTY TO A NUCLEAR-WEAPON-FREE ZONE TREATY. IT WAS ALSO POINTED OUT BY THESE EXPERTS THAT SUCH ALLIANCE SHOULD NOT BE REGARDED AS BEING IN ALL CASES COMPETITIVE WITH NUCLEAR-WEAPON-FREE ZONES, BUT COULD BE COMPLEMENTARY TO THE SUCCESS OF A ZONE. IT IS CLEAR, HOWEVER, THAT EACH SITUATION WOULD HAVE TO BE EXAMINED SEPARATELY, AND THAT THE TERMS OF MEMBERSHIP OF A SECURITY ALLIANCE AND IN A NUCLEAR-WEAPON-FREE ZONE SHOULD BE COMPATIBLE. THE VIEW WAS ALSO EXPRESSED THAT A TREATY OR ALLIANCE WHICH DOES

NOT ENVISAGE NUCLEAR RETALIATION IN SUPPORT OF ANY ALLY, NOR INCLUDE THE STATIONING OF NUCLEAR WEAPONS ON THE TERRITORY OF THAT ALLY, NEED BE NO BAR TO THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE, AND MOREOVER THAT THE PROXIMITY OF ONE OR MORE NUCLEAR-WEAPON STATES SHOULD NOT BE AN INHIBITING FACTOR IN THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE. MANY EXPERTS EXPRESSED THE VIEW THAT IF A STATE INCLUDED IN A NUCLEAR-WEAPON-FREE ZONE IS A MEMBER OF A SECURITY ALLIANCE, IT MEMBERSHIP IN THAT ALLIANCE CANNOT JUSTIFY ANY EXCEPTIONS TO THE OBLIGATIONS ARISING FROM THE NUCLEAR-WEAPON-FREE ZONE AGREEMENT.

12. THE QUESTION OF MILITARY BASES IS ALSO HIGHLY COMPLEX. THERE ARE THOSE WHO BELIEVE THAT THE EXISTENCE IN A ZONE OF MILITARY BASES IN WHICH NUCLEAR WEAPONS ARE STORED, OR WHICH NUCLEAR-WEAPON-CARRYING VEHICLES VISIT, IS INCOMPATIBLE WITH THE NUCLEAR-WEAPON-FREE ZONE CONCEPT. THIS IS CLEARLY A MATTER WHICH MUST BE RESOLVED BY THE PARTIES IN THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE, BUT IT IS ONE ON WHICH DIFFERING VIEWS ARE HELD BY THE EXPERTS.

4. EXTENT AND COMPOSITION OF ZONES

13. ON THIS MATTER IT SEEMS IMPRACTICABLE AND UNNECESSARY TO ATTEMPT TO ESTABLISH PRECISE REQUIREMENTS, BUT IT WOULD APPEAR THAT CERTAIN CHARACTERISTICS WOULD BE OF PARTICULAR IMPORTANCE TO A SUCCESSFUL NUCLEAR-WEAPON-FREE ZONE. SO FAR AS THE SIZE OF SUCH ZONES IS CONCERNED, ALL POSSIBILITIES COULD BE EXPLORED, RANGING FROM WHOLE CONTINENTS TO SMALL ZONES. MANY EXPERTS STATED THAT ALTHOUGH THE CREATION OF LARGE ZONES WOULD PROVIDE GREATER PROGRESS TOWARDS NUCLEAR DISARMAMENT THAN SMALL ONES, THE ESTABLISHMENT OF MEDIUM UNCLASSIFIED

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OR SMALL ZONES COULD PLAY A SIGNIFICANT PART IN ENHANCING REGIONAL SECURITY. ON THE QUESTION OF COMPOSITION, IT WAS GENERALLY AGREED THAT THE PARTICIPATION OF ALL MILITARY SIGNIFICANT STATES, AND PREFERABLY ALL STATES IN A REGION, IN A NUCLEAR-FREE-ZONE WOULD ENHANCE THE EFFECTIVENESS OF A ZONE. THE VIEW WAS ALSO EXPRESSED THAT THERE COULD BE INSTANCES WHEN A NUCLEAR-WEAPON-FREE ZONE IS INITIALLY ESTABLISHED IN A MORE LIMITED AREA AND LATER EXTENDED TO OTHER STATES THAT AGREE TO JOIN IT.

14. IT WAS ALSO GENERALLY AGRRED THAT NUCLEAR-WEAPON-FREE ZONES SHOULD HAVE CLEARLY DEDINED AND RECOGNIZED BOUNDARIES, WHICH WOULD BE DETERMINED IN ACCORDANCE WITH INTERNATIONAL LAW. SEVERAL EXPERTS POINTED OUT THAT REGIONAL ORGANIZATION CANNOT UNILATERALLY ESTABLISH NUCLEAR-WAEAPON-FREE ZONES IN AREAS OUTSIDE THEIR JURISDICTION, PARTICULARLY THE HIGH SEAS, STRAITS USED FOR INTERNATIONAL SHIPPING AND INTERNATIONAL AIRSPACE,

IN CONTRADICTION TO INTERNATIONAL LAW. OTHER EXPERTS EMPHASIZED THAT SAFETY AREAS ADDITIONAL TO THE NATIONAL TERRITORIES OF MEMBERS OF A ZONE WOULD NOT CONTRADICT ANY PRINCIPLE OF INTERNATIONAL LAW IF ESTABLISHED WITH THE FULL CONSENT OF OTHER STATES OUTSIDE THE ZONE.

5. PROCEDURES FOR THE ESTABLISHMENT OF ZONES

15. IT HAS ALREADY BEEN STRESSED THAT THE INITIATIVES TO CREATE NUCLEAR-WEAPON- FREE ZONES SHOULD COME FROM WITHIN THE REGION, AND IT IS SELF EVIDENT THAT THE NATURE OF THE NEGOTIATIONS FOR ITS ESTABLISHMENT WOULD REFLECT THE PARTICULAR CIRCUMSTANCES OF THE ZONE AND OF THE CONTRACTING PARTIES. IN SOME REGIONS THE EXISTING REGIONAL CONSULTATIVE ORGANIZATIONS MIGHT BE APPROPRIATE BODIES FOR INITIATING THE NEGOTIATIONS, IN OTHERS IT MIGHT BE NECESSARY TO ESTABLISH AN HOC ARRANGEMENTS. IN ALL CASES STATES COULD REQUEST THE ASSISTANCE, ADVICE, AND GOOD OFFICES OF OTHER BODIES, NOTABLY THE UN AND IAEA, IF THEY SO DESIRED. THE VIEW WAS EXPRESSED THAT ONCE AN INITIATIVE TO ESTABLISH A NUCLEAR-WEAPON-FREE ZONE HAS BEEN TAKEN, CONSULTATION TO THAT END SHOULD BE HELD AMONG THE STATES CONCERNED. THE VIEW WAS ALSO EXPRESSED REGARDING THE IMPLICATIONS, FEASIBILITY AND ACCEPTABILITY OF THE PROPOSED ZONE, IN ORDER THAT AN INITIATIVE FOR THE CREATION OF A NUCLEAR-WEAPON-FREE ZONE COULD ELICIT UNCLASSIFIED

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THE NECESSARY SUPPORT, AND THAT SUBSEQUENT CONSULTATION COULD ONLY TAKE PLACE AMONG STATES THAT MIGHT DESIRE TO JOIN THE PROPOSED ZONE.

16. IT WAS ARGUED BY SOME EXPERTS THAT THE INVOLVEMENT OF STATES OUTSIDE THE ZONES IN THE ESTABLISHMENT PROCESS AND ESPECIALLY THOSE EXPECTED TO UNDERTAKE COMMITMENTS TOWARDS THE PROPOSED ZONE, IN PARTICULAR NUCLEAR-WEAPON STATES, WOULD BE ESSENTIAL. OTHERS HELD THE VIEW THAT ALTHOUGH SUCH STATES NEED NOT NECESSARILY BE EXCLUDED FROM NEGOTIATIONS THEIR PARTICIPATION

SHOULD NOT BE REGARDED AS A RIGHT. SEVERAL EXPERTS CONSIDERED THAT SUCH STATES SHOULD PARTICIPATE IN NEGOTIATIONS OR CONSULTATIONS WITH THE ZONAL STATES AT SOME STAGE, EVEN IF LATER IN THE NEGOTIATING PROCESS. NEGOTIATIONS WOULD HAVE TO BE UNDERTAKEN WITH THE IAEA ON SAFEGUARD PROCEDURES AT SOME POINT.

17. THE FORMAL INSTRUMENT OF THE AGREEMENTS WOULD HAVE TO CONTAIN CERTAIN ESSENTIAL ITEMS, OF WHICH THE MOST IMPORTANT WOULD BE THE SPECIFIC OBLIGATIONS OF THE PARTIES, THE MACHINERY AND PROCEDURES FOR ENSURING EFFECTIVE COMPLIANCE WITH THOSE OBLIGATIONS, AND THE FORM AND NATURE OF ANY UNDERTAKINGS BY OUTSIDE STATES. SEVERAL EXPERTS POINTED OUT THAT OTHER MATTERS, NOTABLY

THOSE RELATING TO TRANSIT
OF NUCLEAR WEAPONS OR NUCLEAR-WEAPON-CARRYING VEHICLES,
MILITARY BASES, AND
VERIFICATION PROCEDURES WOULD VARY, AND THAT THESE MATTERS
WOULD NOT NECESSARILY BE RELEVANT TO ALL NUCLEAR-WEAPON-
FREE ZONES. END TEXT ABRAMS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, POLICIES, AGREEMENT DRAFT, NUCLEAR FREE ZONES, NUCLEAR WEAPONS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA06242
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750275-1293
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750866/aaaacggt.tel
Line Count: 553
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ACDA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 11
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 GENEVA 6218
Review Action: RELEASED, APPROVED
Review Authority: hartledg
Review Comment: n/a
Review Content Flags:
Review Date: 20 FEB 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 FEB 2003 by ReddocGW>; APPROVED <09 FEB 2004 by hartledg>
Review Markings:

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Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CCD - NUCLEAR-WEAPON-FREE ZONE STUDY, DRAFT CHAPTER THREE
TAGS: PARM, CCD
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006